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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JUNE THEPSOMBANDITH,

Petitioner,

v.

V.M. ALMAGER, Warden,

Respondent.

Civil No. 07cv2248 BEN (RBB)

**ORDER DENYING IN FORMA
PAUPERIS APPLICATION AND
DISMISSING CASE WITHOUT
PREJUDICE**

On November 27, 2007, Petitioner, a state prisoner proceeding pro se, filed a Petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. [Doc. No. 1.] On December 3, 2007, the Court dismissed Petitioner's case for failure to pay the \$5.00 filing fee or moved to proceed in forma pauperis. [Doc. No. 3.] Petitioner filed a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a) on December 3, 2007. [Doc. No. 4.]

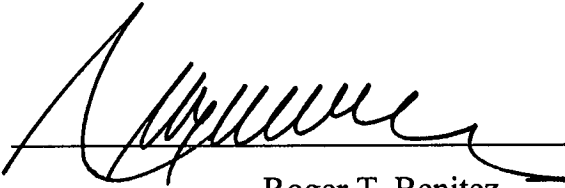
The request to proceed in forma pauperis is denied because Petitioner has not provided the Court with sufficient information to determine Petitioner's financial status. A request to proceed in forma pauperis made by a state prisoner must include a certificate from the warden or other appropriate officer showing the amount of money or securities Petitioner has on account

1 in the institution. Rule 3(a)(2), 28 U.S.C. foll. § 2254; Local Rule 3.2. Petitioner has failed to
2 provide the Court with the required Prison Certificate.

3 Accordingly, the Court **DENIES** the request to proceed in forma pauperis, and
4 **DISMISSES** the case without prejudice. To have the case reopened, Petitioner must, no later
5 than **February 4, 2008**, provide the Court with: (1) a copy of this Order together with the
6 **\$5.00 filing fee; or (2) a copy of this Order together with adequate proof that Petitioner**
7 **cannot pay the \$5.00 filing fee. The Clerk of Court is directed to send Petitioner a blank**
8 **In Forma Pauperis form.**

9 **IT IS SO ORDERED.**

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11 DATED: 12/10/07


12 Roger T. Benitez

13 United States District Judge
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